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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,858	01/12/2004	David Morrow	WLI 1154 PUS	8429
7590	03/10/2005			
John S. Artz Artz & Artz, P.C. Suite 250 28333 Telegraph Road Southfield, MI 48034				
			EXAMINER CHAMBERS, MICHAEL S	
			ART UNIT 3711	PAPER NUMBER
DATE MAILED: 03/10/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/755,858	Applicant(s) MORROW ET AL	
	Examiner Mike Chambers	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 47-72 is/are pending in the application.
- 4a) Of the above claim(s) 52-66 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 47-51 and 67-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Note: Claims 1-46 were canceled in the response. Claims 1-20 are found in the claims. If a preliminary amendment detailing claims 21-26 was included in the application, a copy is requested. If the claims were mis-numbered, correction is required.

Election/Restrictions

Applicant's election without traverse of claims 47-51, and 67-72 is acknowledged. Claims 52--66 are withdrawn from further consideration, as directed to claims non-elected without traverse, 37CFR1.142.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 47-49, 51, 67-70, and 72 are rejected under 35 U.S.C. 102(e) as being anticipated by Tucker (US2003/0114258a1). Tucker discloses an over molded lacrosse head injection molded integral frame element (paragraph 0010, fig 1), including a base portion, a scoop portion opposite said base portion, a socket portion for receiving a lacrosse stick, and a pair of opposing sidewalls extending between said base portion and said scoop portion; and overmolding a non-skid surface onto at least a portion of said frame element to provide friction to a lacrosse ball that contacts said non-skid surface (fig 2a, paragraph 0020 and 0021). The method claimed would inherently be used by one using/making the device of Tucker.

As to claim 48 : Tucker discloses a non-skid surface on the scoop (fig 2a). The method claimed would inherently be used by one using/making the device of Tucker.

As to claim 49 : Tucker discloses a plurality of protrusions (fig 2a). The method claimed would inherently be used by one using/making the device of Tucker.

As to claim 51 : Tucker discloses a non-skid surface formed on each side of the sidewalls (fig 2a). The method claimed would inherently be used by one using/making the device of Tucker.

As to claim 67 : See claim 47 rejection. The method claimed would inherently be used by one using/making the device of Tucker.

As to claim 68 : See claim 48 rejection. The method claimed would inherently be used by one using/making the device of Tucker.

As to claim 69 : Tucker discloses an overmolding process (paragraph 0021). The method claimed would inherently be used by one using/making the device of Tucker.

As to claim 70 : See claim 49 rejection. The method claimed would inherently be used by one using/making the device of Tucker.

As to claim 72 : See claim 51 rejection. The method claimed would inherently be used by one using/making the device of Tucker.

Also,

Claims 67, 69, 70, and 72 are rejected under 35 U.S.C. 102(e) as being anticipated by Brine et al (US2004/0224798a1). Brine et al discloses a lacrosse head injection molded integral frame element (paragraph 0039, fig 1), including a base portion, a scoop portion opposite said base portion, a socket portion for receiving a lacrosse stick, and a pair of opposing sidewalls extending between said base portion and said scoop portion; and a non-skid surface onto at least a portion of said frame element to provide friction to a lacrosse ball that contacts said non-skid surface (fig 1, paragraph 0039). The method claimed would inherently be used by one using/making the device of Tucker.

As to claim 69 : Brine et al discloses an overmolding process (paragraph 0039). The method claimed would inherently be used by one using/making the device of Brine et al. In as much structure set forth by the applicant in the claims, the device of Brine et al can be considered "overmolded".

As to claim 70 : Brine et al discloses a plurality of protrusions (fig 1). The method claimed would inherently be used by one using/making the device of Tucker.

As to claim 72 : Tucker discloses a non-skid surface formed on each side of the sidewalls (fig 1). The method claimed would inherently be used by one using/making the device of Tucker.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 50 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tucker. Tucker discloses the use of differently sized overlays is possible (paragraph 0078). The shape of the overlay is a matter of design choice. The specification provides no unexpected results in using an overlay with circular nubs. It would have been obvious to one of ordinary skill in the art to have selected an appropriate shape of the overlay based on design and cost considerations. The method claimed would naturally be used by one using/making the device of Tucker.

As to claim 71 : See claim 50 rejection. The method claimed would naturally be used by one using/making the device of Tucker.

Also,

Claim 71 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brine et al. Brine et al discloses the use of differently sized overlays is possible (paragraph 0038). The shape of the overlay is a matter of design choice. The specification provides

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no unexpected results in using an overlay with circular nubs. It would have been obvious to one of ordinary skill in the art to have selected an appropriate shape of the overlay based on design and cost considerations. The method claimed would naturally be used by one using/making the device of Tucker.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Chambers whose telephone number is 571-272-4407. The examiner can normally be reached on Mon-Fri 8:30-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

US2004/0224798* US2002/0198070

March 7, 2005

Michael Chambers
Examiner
Art Unit 3711


GREGORY VIDOVICH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700